

REMARKS

Status of the Claims

Claims 1-11 are pending. All claims 1-11 stand rejected by the Office Action. By this paper claim 1 is amended, and a new claim 12 is added. Claim 1 is amended to clarify that a pre-scripted interrogation automatically assigns one of a plurality of pre-established determinant levels. For the reasons set forth below, Applicant submits that each of the pending claims is patentably distinct from the cited prior art and in condition for allowance. Reconsideration of the claims is therefore respectfully requested.

Interview

Applicant expresses appreciation to the Examiner for the courtesy of the interview on April 2, 2008. Applicant has amended the claims in accordance with the proposed amendments discussed during the interview. Specifically, “a pre-scripted interrogation automatically assign[s] one of a plurality of pre-established determinant levels” by “ providing a dispatcher with a plurality of preprogrammed inquiries ordered . . . to traverse a path along a logical tree,” “receiving . . . caller responses to said preprogrammed inquiries, and using the caller responses to traverse said the logical tree and thereby assign the appropriate pre-established determinant level.” Applicant has also followed the Examiner’s suggestion to retain the limitation that the pre-scripted interrogation comprises “determining if the caller is the patient.”

Rejections under § 103(a)

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 4,237,344 to John R. Moore ("Moore") in view of U.S. Pat. No. 5,086,391 to Bryan R. Chambers ("Chambers"), in further view of U.S. Pat. 6,968,375 to Stephen J. Brown ("Brown").

In order to make a *prima facie* case of obviousness, "all of the claim limitations must be taught or suggested by the prior art." *In re Royka*, 490 F.2d 981 (CCPA 1971); *also see* MPEP § 2143.03. Applicant respectfully submits that the references cited in the Office Action do not teach or suggest all the limitations.

Claim 1 is amended to clarify that the embodiment, not a person, assigns a determinant level based on the description of the problem. Specifically, claim 1 recites "a pre-scripted interrogation automatically assigning one of a plurality of pre-established determinant levels . . . by providing a dispatcher with a plurality of preprogrammed inquiries ordered . . . to traverse a path along a logical tree . . . , receiving . . . caller responses to said preprogrammed inquiries, and using the caller responses to traverse said the logical tree and thereby assign the appropriate pre-established determinant level."

A common problem in medical dispatch is variability of the response due to varying levels of training and experience among dispatchers. Before the present invention, the quality of medical dispatch depended largely on the experience and medical training of the dispatcher receiving the calls and dispatching the response. High turnover among dispatchers transitioning to other jobs requiring medical training made it a challenge to find people with experience and qualifications to be dispatchers.

The claimed invention addresses this problem by providing a method that determines an appropriate determinant level, which is associated with an appropriate response, regardless of the skill, training, or experience of the dispatcher. The method of the invention provides preprogrammed inquiries, ordered to guide interrogation of the caller and traverse a logical tree based on the caller's responses to the inquiries.

Moore does not teach "a pre-scripted interrogation automatically assigning one of a plurality of pre-established determinant levels" Moore discloses a central console providing locator panels "for identifying the particular location of the health care personnel within the facility," and "a device for storing and retrieving a patient's medical profile to assist the health care coordinator in making an **informed judgment** as to the type of care required for a particular patient." Moore contemplates a trained medical professional evaluating the situation and making a judgment as to the appropriate care. Nowhere does Moore contemplate providing a pre-scripted interrogation automatically assigning a determinant level that indicates an appropriate level of response.

Similarly, Chambers also does not teach "a pre-scripted interrogation automatically assigning one of a plurality of pre-established determinant levels" Chambers discloses a medical alert system comprising "a device worn about the neck and a home computer." The device and the computer facilitate the patient, and/or an attendant to the patient, acquiring information about a medical condition. But, inherently, to obtain the information the patient and/or the attendant must decide what medical condition the patient may be experiencing. Specifically, Chambers discusses and disclose "a possible compendium of injuries for which a message [i.e. information] may be provided." Chambers, column 5, lines 45-65, Implicitly, the patient or the

attendant must determine which condition is applicable. Again, the response is determined by the skill and experience of the person determining the applicable condition. The response could be disastrous if the individual selects the wrong condition. Nowhere does Chambers discuss a pre-scripted interrogation to automatically assign the appropriate level of response.

Finally, Brown also does not teach “a pre-scripted interrogation automatically assigning one of a plurality of pre-established determinant levels” The Office observes that Brown discloses use of pre-scripted questions that are readable by an individual. However, these pre-scripted questions contemplated by Brown are assigned by a healthcare provider, and the script is tailored to a particular patient by the healthcare provider. Brown, Abstract; col. 7, lines 20-23; FIG. 5. Again, the judgment of a trained healthcare provider is required. The script does not assign a determinant level.

CONCLUSION

In summary, Moore, Chambers, and Brown, individually or in combination, do not teach or disclose a “a pre-scripted interrogation automatically assigning one of a plurality of pre-established determinant levels” Because the references do not teach all the elements, the claims are not obvious under §103(a). Applicant submits that the claims are in proper condition for allowance, and a Notice of Allowance is respectfully requested. If the Examiner notes any further matters that may be resolved by a telephone interview, the Examiner is encouraged to contact John Thompson by telephone at (801) 578-6994.

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Respectfully submitted,
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